

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

LICENSING SUB-COMMITTEE – 30 MAY 2024

**REPORT BY THE INTERIM DIRECTOR OF TRANSPORT AND
REGULATORY SERVICES**

**APPLICATION BY TOCQUEVILLE KINGS LTD FOR THE GRANT OF A
PREMISES LICENCE IN RESPECT OF ST GEORGE COFFEE,
124C & 126 KING'S ROAD, LONDON, SW3 4TR**

INTRODUCTION

The purpose of this report is to consider the application for the grant of a premises licence

FOR DECISION

Applicants for the grant of a premises licence are required to notify the public of the application by means of a notice exhibited at the premises for a period of not less than 28 consecutive days and a public notice in a local newspaper within 10 working days, commencing the day after the application is made to the Licensing Authority. Unless the application is submitted via an on-line facility, the applicant must also serve a copy of the application to each of the Responsible Authorities. Where the application is submitted via an on-line facility the licensing authority is responsible for notifying these authorities. The applicant and/or licensing authority has complied with these requirements.

The Council must take into account any relevant representations to the grant of the licence. Where representations are made to an application, the applicants are recommended to attend an oral hearing, even if they choose to be represented by counsel, a solicitor, or some other authorised person. The individuals and/or bodies who have made representations are also invited to attend to support the contents of their representations.

A. THE APPLICATION

Applicant: Tocqueville Kings Ltd.

Premises: St George Coffee, 124c & 126 King's Road, London, SW3 4TR

Application for a premises licence to be granted

This application is for the grant of a new premises licence for the sale of alcohol on the premises for a coffee shop consisting of basement and ground floors at 124C and 126 King's Road.

The premises are not currently licensed, an earlier application for a

premises licence submitted by the applicant in 2022 was subsequently withdrawn.

Activity	<i>Proposed activity</i>	
Sale by retail of alcohol-on the premises	Monday to Saturday	10:00 to 22:00
	Sunday	10:00 to 21:00
Hours open to the public	Monday to Saturday	08:00 to 22:30
	Sunday	09:00 to 21:30

A copy of the current application is attached as Appendix A.

A plan of the premises is attached as Appendix B.

Designated premises supervisor: Luca Maria Centaro

Steps volunteered by the applicant to promote licensing objectives:

Applicant's statement and proposed steps to promote the licensing objectives

a) General - all four licensing objectives (b, c, d, e)

The applicant confirms that prior to submission of this application the Applicant consulted with the licensing authority and Noise and Nuisance Officer.

The Application also informed all local Ward Councillors and local residents of the application prior to submission.

Proposed conditions:

1. The sale by retail of alcohol on the premises shall only be sold by waiter or waitress service for consumption by customers seated in the premises.

2. The consumption of alcohol on the premises shall cease, the Premises shall close to patrons and all patrons shall be off the Premises, no later than 30 minutes after the end of the permitted hours for the sale by retail of alcohol on the Premises.

3. Substantial food and non-intoxicating beverages (including drinking water) to be equally available throughout the premises during the whole of the permitted hours.

4. The Licensee shall ensure that clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

5. A 'Challenge 25' age verification policy shall be operated at the Premises during the permitted hours for the sale of alcohol and staff shall be trained

in respect of the policy. Staff shall ask for proof of age from anyone they suspect of being less than 25 years of age. The only acceptable forms of identification shall be a photo style driving licence, a passport, a photo identification card bearing the PASS logo in a hologram format or military ID.

6. No smells generated from the cooking processes at the Premises shall give rise to nuisance to occupiers of neighbouring properties.

7. Rubbish including bottles or cans shall not be deposited outside the Premises between 23:00 and 07:00 the following day.

8. Refuse collections shall not take place between 23:00 and 07:00 the following day.

9. There shall be CCTV in operation at the premises and;

a) a member of staff who has been nominated in writing and who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public.

b) if the premises are not open, and subject to the tests set out by virtue of the Data Protection Act, within 24 hours of a request for access to the CCTV system from either the police or licensing authority, this staff member must be able to show a Police, HMRC or authorised council officer recent data or footage with the absolute minimum of delay when requested.

10. A daily incident log shall be kept at the premises for a period of at least 12 months from the date of last entry, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) any faults in the CCTV
- (f) any refusal of the sale of alcohol
- (g) any visit by a relevant authority or emergency service.
- (h) any lost property found or handed to staff at the premises.
- (i) any other relevant incidents to be recorded

b) The prevention of crime and disorder

As above

c) Public safety

As above

d) The prevention of public nuisance

As above

e) The protection of children from harm

As above

B. RELEVANT REPRESENTATIONS

The licensing authority has received 25 representations opposing the application, including representations from Royal Avenue Residents' Association and Mitre House Residents' Association. The contents of the representations can be summarised as follows: -

- Residents have expressed concern about the noise impact a 22:00 finishing time will have if permitted. The residents are already subjected to noise disturbances from patrons leaving venues such as Ixchel late at night.
- Royal Avenue is an echo chamber and noise in King's Road tends to be amplified in the Avenue. Additional noise from another late night premises will result in increased noise from patrons exiting the premises and congregating on the pavement.
- Reference is made to RBKC's Statement of Licensing Policy section 3.9 which highlights the Council's duty under Article 8 of the European Convention on Human Rights to protect the resident's rights to privacy and family life. If this application is granted, it will set a precedent for similar applications with late closing times for other venues in the locale owned by this applicant. The consequence of multiple licensed venues within 50 yards of each other selling alcohol and food would attract an unacceptable number of customers leading to late night noise and nuisance. This will have a detrimental effect on residents' ability to enjoy their homes.
- There is concern that patrons will not be required to purchase a substantial meal to consume alcohol on site. The application appears to be for a wine bar as opposed to a coffee shop. If the premises were to operate as a wine bar, this would result in intoxicated loud patrons spilling out onto King's Road.
- Patrons use the steps of residential homes as well as parking spaces in Wellington Square to consume their food. Half-eaten food and wrappers are left on the road, leaving residents and the Council to clean up.
- Permitting the application could increase the risk of noise, and anti-social behaviour, noise from taxi's picking patrons up, and littering.
- The pavement outside the premises is very narrow which will result in patrons crossing the road to Wellington Square for more space

either to smoke or while waiting for taxis, causing disturbance to residents in Wellington Square.

- King's Road has double yellow lines, which combined with the narrow pavement, makes it difficult and dangerous for patrons to congregate as well as for taxi pick up and drop offs and causes obstructions to pedestrians and other road users. The potential for an increased footfall, and traffic congestion would be dangerous for both patrons and residents in the surrounding area. Residents already have to use King's Road as a walkway to avoid crowds outside the premises.
- There are increased parking demands in Wellington Square, Markham Square, Bywater Street and Smith Street where there is frequent illegal parking and not enough parking spaces for residents.
- The stretch of King's Road where the premises are situated currently has a good balance of a buzzing retail life during the day and peace and quiet to be enjoyed by residents in the evening. The area is not a nightlife hotspot and should not be turned into one.
- Wellington Square is used by delivery drivers to park when collecting orders.
- The close proximity of the premises to the residential dwellings' risks exposing children to alcohol consumption and intoxicated behaviours. This would have a negative impact on the safety and general well-being of the children.
- St George Coffee is part of a clothes brand which is popular with pre-teen/teenage girls, and it is highly likely that these young girls will be attracted to the premises as a "cool" venue to eat and drink. If this licence is granted it will result in children, and pre-teen girls in particular, sitting alongside adults drinking alcohol, resulting in a high risk of harm to such children.
- Residents do not have confidence that a 'Challenge 25' policy will be implemented.
- The premises were formerly a clothes shop and hair salon, and the frontage consists wholly of glass panels and glass doors. There is concern that the noise of voices and music will be clearly audible in nearby residents' homes due to the lack of noise insulation.
- The dwellings at Wellington Square are Grade II listed and as such, are only permitted single glazed windows, contributing to the noise

levels residents have to experience from the extra footfall, car noises and bottle noise from waste disposal late at night.

Copies of which are attached as Appendix C.

C. OTHER INFORMATION

Complaints

At the time of writing the report no relevant noise complaints had been received in the preceding 24 months

Temporary Event Notices and Non Standard Times

No Temporary Events Notices have been submitted in the past 12 months.

Planning Consent

There are no planning restrictions or conditions which the Sub Committee should be aware of. A copy of the Planning officer's comments are attached as Appendix D.

D. OBSERVATIONS

In determining this application, the Committee must have regard to the representations and take such of the following steps as it considers necessary for the promotion of the licensing objectives. The steps are:

- (a) Grant the application in full.
- (b) Modify the conditions of the licence volunteered by the applicant in the operating schedule, by altering or omitting or adding to them.
- (c) Refuse to specify a person in the licence as the designated premises supervisor.
- (d) Reject the whole or part of the application.

In making its decision, the Committee must act with a view to promoting the licensing objectives:

- **the prevention of crime and disorder**
- **the prevention of public nuisance**
- **public safety**
- **protection of children from harm**

It must also have regard to its own Statement of Licensing Policy and the Secretary of State's Guidance. The relevant paragraphs of the Secretary of State's Guidance and the authority's Statement of Licensing Policy are attached as Appendix E and F respectively.

If the Committee is minded to grant the licence, conditions may be

attached to the licence to alleviate the concerns raised through representations; nevertheless, this is a matter for the Committee to determine in light of the above matters, and any others it considers material.

The premises are located in Royal Hospital ward on the north side of King's opposite the junction with Wellington Square and adjacent to Mitre House, a residential block. King's Road is a busy commercial and retail area, while the surrounding streets are residential. A map of the area and list of objectors is attached as Appendix G. A list of licensed premises within the vicinity of the premises is attached as Appendix H.

This application is for the grant of a premises licence under section 17 of the Licensing Act 2003.

The Decision of the Licensing Sub Committee is Requested

**ANDREW BURTON
INTERIM DIRECTOR OF TRANSPORT AND REGULATORY
SERVICES**

Background Papers used in the preparation of this Report:

Licensing files

Officer Contact:

Any person wishing to inspect the above documents should contact Miss S Dyball, Directorate of Environmental Health, telephone 020 7341 5711